



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Introduction of Public Improvement Reimbursement Ordinance

MEETING DATE: October 2, 1991

PREPARED BY: Richard C. Prima Jr.
Assistant City Engineer

RECOMMENDED ACTION: That the City Council set a public hearing for October 16, 1991, to discuss the Public Improvement Reimbursement Ordinance and either introduce the ordinance or direct staff or modifications.

BACKGROUND INFORMATION: Developers are required to install water, sewer and drainage lines and street improvements necessary to serve their development. These improvements are made within the project and along the frontage of the parcel being developed thus parcels on the opposite side of the street then have those improvements available. Occasionally these improvements extend across other parcels. In either case, it is reasonable to require subsequent developers of the other parcels to reimburse the first developer for their appropriate share of the improvements. Although this reimbursement is not required by state law, it has been the City's practice to do so for many years.

In addition to the above scenario, developers are sometimes required to "oversize" a utility to provide "upstream" capacity. In this case, State law requires that the developer be reimbursed, either by the City or the upstream property.

The Development Impact Mitigation fees address some of these issues, mainly oversize sewers, water mains and master storm drains required by the City Master Plans. The existing Municipal Code only addresses water and sewer extensions and does not fully comply with state law.

An ordinance to do the following is being prepared and will be available before the hearing:

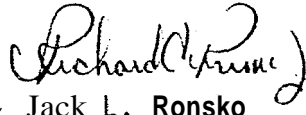
- 1) Create a unified reimbursement procedure for improvements not covered under the Development Impact Mitigation Fee Ordinance;
- 2) Add storm drainage and street installations as improvements eligible for reimbursement;
- 3) Repeal and/or amend existing code sections as needed to comply with the Development Impact Fee Study and the new Reimbursement Ordinance;

THOMAS A. PETERSON

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4) Provides for a Public Hearing process.

FUNDING : None needed.


for Jack L. Ronsko
Public Works Director

Prepared by Richard C. Prima Jr., Assistant City Engineer

JLR/RCP/lw

cc: City Attorney



CITY OF LODI

CARNEGIE FORUM
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: October 16, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche
City Clerk
Telephone: 333-6702

NOTICE OF PUBLIC HEARING

October 16, 1991

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) **Proposed Public Improvement Reimbursement Ordinance**

All interested persons are invited to present their views and comments on this matter. Written Statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or Someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche
City Clerk

Dated: October 2, 1991

Approved as to form:

B. W. McCall

City Attorney



CITY OF LODI

CARNECIE FORUM

305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 6, 1991

Time: 7:30 p.m.

For information regarding this Public Hearing
Please Contact:

Alice M. Reimche

City Clerk

Telephone: 333-6702

CONTINUED NOTICE OF PUBLIC HEARING

November 6, 1991

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) **Proposed** Public Improvement Reimbursement Ordinance

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche
City Clerk

Dated: October 16, 1991

Approved as to form:

Bobby W. McNatt
City Attorney

ORDINANCE NO. 1526

AN URGENCY ORDINANCE OF THE LODI CITY COUNCIL
AMENDING LODI MUNICIPAL CODE CHAPTER 15.64 -
"DEVELOPMENT IMPACT MITIGATION FEES"

=====

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. Lodi Municipal Code Chapter 15.64 is hereby amended by adding a new subsection G to Section 15.64.010 as follows:

15.64.010 Findings and Purpose.

"G. The City has previously approved various development projects which have made significant financial expenditures towards completion, including the payment of the then current development impact mitigation fees; but have *not* obtained a building permit. The City Council finds and declares that such projects should **be** allowed to proceed without the imposition of new development impact mitigation fees imposed under this chapter."

SECTION 2. Lodi Municipal Code Section 15.64.040(D) is hereby amended to read as follows:

"If a final subdivision map has been obtained before the effective date of this ordinance, then the fees shall **be** paid before issuance of a building permit or grading permit, whichever comes first, except as exempted under Section 15.64.110 of this chapter."

SECTION 3. Lodi Municipal Code Chapter 15.64 is hereby amended by adding a new subsection E to Section' 15.64.110 as follows:

15.64.110 Fee Exemptions.

"E. Additional exemption for development projects in progress:

1. A project on a parcel (or portion of a parcel) which has, on the effective date this ordinance, received the appropriate development approval, but has not obtained a building permit and has paid appropriate mitigation fees under Resolution 3618 or Ordinance 1440, shall be exempt from imposition of the development impact mitigation fees imposed under this chapter except the Sewer Lift Station area fees.

2. For purposes of this subsection, "appropriate development approval" shall include:

- ° an approved or conditionally approved tentative map;
- ° an approved final subdivision or parcel map;
- ° an approved use permit when no map was required;
- ° an approved public improvement agreement.

3. The exemption under this subsection shall not apply to changes in land use, pursuant to subsection (D) for Storm Drainage Impact Fees.

4 The exemption under this subsection shall apply on projects which include a change in land use to a more intensive use as

defined in this chapter only to the extent that the previously approved land use shall be considered an existing use and the project shall be charged the appropriate incremental increase as provided in this chapter and the fee resolution.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. Findings.


The Lodi City Council hereby finds and declares that it is appropriate to adopt this ordinance as an urgency measure in order to protect the public health, safety or welfare. This finding is based on the following facts:

1. Ordinance 1518 which this ordinance amends is scheduled to become effective on November 5, 1991.
2. If this ordinance is not adopted as an urgency ordinance, project applications filed between November 5, 1991 and the effective date of this ordinance would pay one set of fees and those filed afterwards another amount.
3. This situation would materially interfere with the City's ability to plan, construct and pay for the public improvements described in this chapter.

SECTION 6. The public health, safety or welfare require that this ordinance be adopted as an urgency measure.

SECTION 7. This urgency ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect on November 5, 1991.

Approved this 16th day of October 1991


DAVID M. HINCHMAN
MAYOR

Attest :


ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1526 was adopted as an urgency ordinance at a regular meeting of the City Council of the City of Lodi held October 16, 1991 and was thereafter passed, adopted and ordered to print by the following vote:

Ayes : Council Members - Pennino, Pinkerton, Sieglock, and
Hinchman (Mayor)

Noes : Council Members - None

Absent: Council Members - None

Abstain: Council Members - Snider

I further certify that Ordinance No. 1526 was approved and signed by
the Mayor on the date of *its* passage and the same has been published
pursuant to law.


ALICE M. RE MCHE
City Clerk

Approved as to Form



BOBBY W. McNATT
City Attorney

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